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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration Submitted with Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

| | |
|--------------------------|-----------------|
| Attorney Docket Number | 6533/53810 |
| First Named Inventor | Morford, et al. |
| COMPLETE IF KNOWN | |
| Application Number | |
| Filing Date | 3/29/2004 |
| Group Art Unit | |
| Examiner Name | |

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Adaptive, Application-Aware Selection of Differentiated Network Services

(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) as United States Application Number or PCT International

Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? YES | Certified Copy Attached? NO |
|-------------------------------------|--------------------------|----------------------------------|--------------------------|------------------------------|-----------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patent, Washington, DC 20231.

PTO/SB/01 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION – Utility or Design Patent Application

Direct all correspondence to: Customer Number or Bar Code Label 30505 OR Correspondence address below

Name **Mark James Spolyer**Address **38 Fountain Street**

| | | |
|---------------------------|-------------------------------|-------------------------|
| City San Francisco | State CA | ZIP 94114 |
| Country USA | Telephone 415-626-7966 | Fax 415-480-1780 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such statements may jeopardize the validity of the application or any patent issued thereon.

| | | | |
|---|----------------------------|---|----------------------------------|
| NAME OF SOLE OR FIRST INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle [if any]) Michael Robert | | Family Name or Surname Morford | |
| Inventor's Signature | Date March 26, 2004 | | |
| Residence: City Saratoga | State CA | Country | Citizenship United States |
| Mailing Address 21931 Via Regina | | | |
| City Saratoga | State CA | ZIP 95070 | Country |
| NAME OF SECOND INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle [if any]) Robert E. | | Family Name or Surname Purdy | |
| Inventor's Signature | Date March 26, 2004 | | |
| Residence: City San Jose | State CA | Country | Citizenship United States |
| Mailing Address 8384 Devonshire Dr. | | | |
| City San Jose | State CA | ZIP 95129 | Country |
| <input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto. | | | |

PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Morford et al.Application No./Patent No.: _____ Filed/Issued Date: 3/29/2004Entitled: Adaptive, Application-Aware Selection of Differentiated Network ServicesPacketeer, Inc. _____, a Delaware Corporation _____
(Name of Assignee) _____ (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame ___, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302.08]

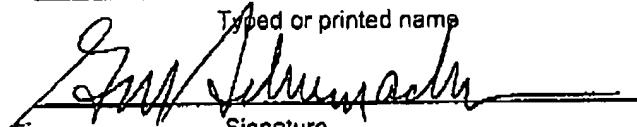
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

March 26, 2004

Date

G. Mike Schumacher

Typed or printed name



Signature

Vice President of Research & Development

Title

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PATENT APPLICATION
Attorney Docket 6533/53810
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Morford et al.

Serial No.: TBD

Filed: March 29, 2004

For: Adaptive, Application-Aware Selection of Differentiated Network Services

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

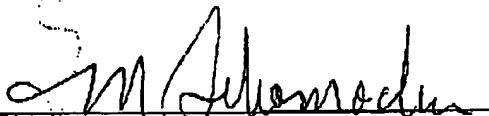
Packeteer, Inc., a Delaware corporation, at 10201 N. De Anza Blvd., Cupertino, CA 95014, assignee of all right, title and interest to the application identified above, through its Vice President of Research & Development, G. Mike Schumacher, hereby appoints as its principal attorney, Mark James Spolyar, Reg. No. 42164, with full power of revocation and substitution, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected herewith.

All correspondence and telephone calls relating to this application should be directed to:

Customer Number: 30505
Law Office of Mark J. Spolyar
38 Fountain Street
San Francisco, CA 94114
415-826-7966
415-480-1780 fax.

Respectfully submitted,
PACKETEER, INC.

By:


G. Mike Schumacher

Its: Vice President of Research & Development

Date: March 26, 2004